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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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7590	03/27/2008	Philips Electronics North America Corporation Corporate Patent Counsel P O Box 3001 Briarcliff Manor, NY 10210	EXAMINER EKPO, NNENNA NGOZI	
			ART UNIT 2623	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/531,938	SHI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Nnenna N. Ekpo	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 April 2005 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____ .                                     |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/19/2005</u> .  | 6) <input type="checkbox"/> Other: ____ .                         |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The reference listed in the Information Disclosure Statement filed on April 19, 2005 has been considered by the examiner (see attached PTO-1449 form).

### ***Specification***

3. The abstract of the disclosure is objected to because it is not on a separate page. Correction is required. See MPEP § 608.01(b).

The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

### ***Drawings***

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, “the recording circuit coupled to the storage device and the detection circuit, selection circuit coupled to the detection circuit and a retrieving circuit coupled to the storage device and the selection circuit” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended

replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the claimed subject matter "the recording circuit coupled to the storage device and the detection circuit, selection circuit coupled to the detection circuit and a retrieving circuit coupled to the storage device and the selection circuit" is not disclosed in the specification.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1, 6, 7 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunelle et al. (U.S. Patent No. 7,184,522) in view of Allen et al. (U.S. Publication No. 2003/0041332), Hoshino et al. (U.S. Patent No. 6,804,300) and Ishida et al. (U.S. Patent No. 6,029,047).

**Regarding claims 1 and 7,** Brunelle et al. discloses a set top terminal (see col. 2, lines 36-43), comprising:

a storage device that is configured to continuously record a current video program (see col. 3, lines 64-66);

a detection circuit that is configured to detect on-line connection of a communication event (see col. 1, lines 36-39 and col. 3, lines 37-44);

allow a user to choose between continuing viewing the video program as it is currently being played and viewing the video program from the time the on-line connection was established (see col. 1, lines 54-56, reads on viewing the video program from the time the on-line connection was established).

However, Brunelle et al. fails to specifically disclose a recording circuit, operably coupled to the storage device and the detection circuit that is configured to record date

and time of the on-line connection and a current channel number being viewed; and a selection circuit, operably coupled to the detection circuit.

Allen et al. discloses a recording circuit (buffering (804)), operably coupled to the storage device (storage (310)) and the detection circuit (detection (802)) (see fig 8).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Brunelle et al.'s invention with the above mentioned limitation as taught by Allen et al. for the advantage of storing/recording a television program.

However, Brunelle et al. and Allen et al. fail to specifically disclose configured to record date and time of the on-line connection and a current channel number being viewed; and a selection circuit, operably coupled to the detection circuit.

Hoshino et al. discloses configured to record date, time and a current channel number being viewed (see col. 17, lines 17-40 and figs 16-18).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Brunelle et al. and Allen et al.'s invention with the above mentioned limitation as taught by Hoshino et al. for the advantage of retrieving a television program.

However, Brunelle et al., Allen et al. and Hoshino et al. fail to specifically disclose selection circuit, operably coupled to the detection circuit.

Ishida et al. discloses selection circuit (call line selector (28)), operably coupled to the detection circuit (incoming call line indicator (29)) (see fig 2).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Brunelle et al., Allen et al. and Hoshino et al.'s invention with the above mentioned limitation as taught by Ishida et al. for the advantage of selecting the appropriate recorded television program.

Regarding **claims 6 and 12**, Brunelle et al., Allen et al., Hoshino et al. and Ishida et al. discloses everything claimed as applied above (see *claims 1 and 7*).

Hoshino et al. discloses the terminal, wherein the storage device stores the date, time and a current channel number being viewed in a pre-defined table format as a set of data (see col. 17, lines 1-11 and figs 15-16), with a sequence number for each set of data (see fig 20 (1, 2, 3)).

Brunelle et al. discloses the on-line connection (incoming call) of the communication event, along (see col. 1, lines 24-32).

8. **Claims 13 and 18** is rejected under 35 U.S.C. 103(a) as being unpatentable over Brunelle et al. (U.S. Patent No. 7,184,522) in view of Allen et al. (U.S. Publication No. 2003/0041332), Hoshino et al. (U.S. Patent No. 6,804,300), Ishida et al. (U.S. Patent No. 6,029,047) and Potrebic (U.S. Patent No. 6,798,971).

Regarding **claim 13**, Brunelle et al. discloses a storage device that is configured to continuously record a current video program (see col. 3, lines 64-66);

a detection circuit that is configured to detect on-line connection of a communication event (see col. 1, lines 36-39 and col. 3, lines 37-44); allow a user to choose between continuing viewing the video program as it is currently being played and viewing the video program from the time the on-line connection was established (see col. 1, lines 54-56, reads on viewing the video program from the time the on-line connection was established).

However, Brunelle et al. fails to specifically disclose a recording circuit, operably coupled to the storage device and the detection circuit, that is configured to record date and time of the on-line connection and a current channel number being viewed; a selection circuit, operably coupled to the detection circuit, a tuner, a display operably coupled to the tuner; and a recording device, opearbly coupled to the tuner.

Allen et al. discloses a recording circuit (buffering (804)), operably coupled to the storage device (storage (310)) and the detection circuit (detection (802)) (see fig 8).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Brunelle et al.'s invention with the above mentioned limitation as taught by Allen et al. for the advantage of storing/recording a television program.

However, Brunelle et al. and Allen et al. fails to specifically disclose configured to record date and time of the on-line connection and a current channel number being viewed; and a selection circuit, operably coupled to the detection circuit, a tuner, a display operably coupled to the tuner; and a recording device, opearbly coupled to the tuner.

Hoshino et al. discloses configured to record date, time and a current channel number being viewed (see col. 17, lines 17-40 and figs 16-18).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Brunelle et al. and Allen et al.'s invention with the above mentioned limitation as taught by Hoshino et al. for the advantage of retrieving a television program.

However, Brunelle et al., Allen et al. and Hoshino et al. fails to specifically disclose selection circuit, operably coupled to the detection circuit, a tuner, a display operably coupled to the tuner; and a recording device, opearbly coupled to the tuner.

Ishida et al. discloses selection circuit (call line selector (28)), operably coupled to the detection circuit (incoming call line indicator (29)) (see fig 2).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Brunelle et al., Allen et al. and Hoshino et al.'s invention with the above mentioned limitation as taught by Ishida et al. for the advantage of selecting the appropriate recorded television program.

However, Brunelle et al., Allen et al., Hoshino et al. and Ishida et al. fails to specifically disclose a tuner, a display operably coupled to the tuner; and a recording device, opearbly coupled to the tuner.

Potrebic discloses a tuner (tuner (70)), a display (display device (14)) operably coupled to the tuner (tuner (70)); and a recording device (signal recorder (30)), opearbly coupled to the tuner (tuner (70)) (see fig 1).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Brunelle et al., Allen et al., Hoshino et al. and Ishida et al.'s invention with the above mentioned limitation as taught by Potrebic for the advantage tuning and displaying the recorded television program.

Regarding **claim 18**, Brunelle et al., Allen et al., Hoshino et al., Ishida et al. and Potrebic discloses everything claimed as applied above (see *claim 13*).

Hoshino et al. discloses the terminal, wherein the storage device stores the date, time and a current channel number being viewed in a pre-defined table format as a set of data (see col. 17, lines 1-11 and figs 15-16), with a sequence number for each set of data (see fig 20 (1, 2, 3)).

Brunelle et al. discloses the on-line connection (incoming call) of the communication event, along (see col. 1, lines 24-32).

9. **Claims 2-5 and 8-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunelle et al. (U.S. Patent No. 7,184,522), Allen et al. (U.S. Publication No. 2003/0041332), Hoshino et al. (U.S. Patent No. 6,804,300) and Ishida et al. (U.S. Patent No. 6,029,047) as applied to *claims 1 and 7* above, and further in view of Yamamuro (U.S. Patent No. 6,738,952).

Regarding **claims 2 and 8**, Brunelle et al., Allen et al., Hoshino et al. and Ishida et al. discloses everything claimed as applied above (see *claims 1 and 7*).

Hoshino et al. discloses configured to retrieve video contents from the storage device starting from the recorded date and time selected by the user (see col. 17, lines 45-49).

Brunelle et al. discloses if the user chooses to view the video program from the time the on-line connection was established (see col. 1, lines 54-56).

However, Brunelle et al., Allen et al., Hoshino et al. and Ishida et al. fails to specifically disclose a retrieving circuit, operably coupled to the storage device and the selection circuit.

Yamamuro discloses a retrieving circuit (retrieval and display controller (14)), operably coupled to the storage device (ROM, RAM (17)) and the selection circuit (touch panel (12)) (see fig 1).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Brunelle et al., Allen et al., Hoshino et al. and Ishida et al.'s invention with the above mentioned limitation as taught by Yamamuro for the advantage of viewer not missing part of the television program.

Regarding **claims 3 and 9**, Brunelle et al., Allen et al., Hoshino et al., Ishida et al. and Yamamuro discloses everything claimed as applied above (see *claims 2 and 8*).

Yamamuro discloses playing circuit, operably coupled to the retrieving circuit (see fig 1).

Brunelle et al. discloses retrieving circuit that is configured to play the retrieved video contents (see col. 6, lines 31-36).

Regarding **claims 4 and 10**, Brunelle et al., Allen et al., Hoshino et al., Ishida et al. and Yamamuro discloses everything claimed as applied above (see *claims 2 and 8*).

Hoshino et al. discloses the terminal, wherein the selection circuit includes a prompting circuit that is configured to prompt for a user's input to select desired date and time for playing the video program (see col. 12, lines 50-58 and col. 15, lines 30-38); and

the retrieving circuit retrieves the video contents for a channel number associated with the selected date and time (see col. 17, lines 45-49).

Regarding **claims 5 and 11**, Brunelle et al., Allen et al., Hoshino et al., Ishida et al. and Yamamuro discloses everything claimed as applied above (see *claims 4 and 10*).

Yamamuro discloses playing circuit, operably coupled to the retrieving circuit (see fig 1).

Brunelle et al. discloses retrieving circuit that is configured to play the retrieved video contents (see col. 6, lines 31-36).

10. **Claims 14-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunelle et al. (U.S. Patent No. 7,184,522), Allen et al. (U.S. Publication No. 2003/0041332), Hoshino et al. (U.S. Patent No. 6,804,300), Ishida et al. (U.S. Patent

No. 6,029,047) and Potrebic (U.S. Patent No. 6,798,971) as applied to *claim 13* above, and further in view of Yamamuro (U.S. Patent No. 6,738,952).

Regarding **claim 14**, Brunelle et al., Allen et al., Hoshino et al., Ishida et al. and Potrebic discloses everything claimed as applied above (see *claim 13*).

Hoshino et al. discloses configured to retrieve video contents from the storage device starting from the recorded date and time selected by the user (see col. 17, lines 45-49).

Brunelle et al. discloses if the user chooses to view the video program from the time the on-line connection was established (see col. 1, lines 54-56).

However, Brunelle et al., Allen et al., Hoshino et al., Ishida et al. and Potrebic fails to specifically disclose a retrieving circuit, operably coupled to the storage device and the selection circuit.

Yamamuro discloses a retrieving circuit (retrieval and display controller (14)), operably coupled to the storage device (ROM, RAM (17)) and the selection circuit (touch panel (12)) (see fig 1).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Brunelle et al., Allen et al., Hoshino et al., Ishida et al. and Potrebic's invention with the above mentioned limitation as taught by Yamamuro for the advantage of viewer not missing part of the television program.

Regarding **claim 15**, Brunelle et al., Allen et al., Hoshino et al., Ishida et al., Potrebic and Yamamuro discloses everything claimed as applied above (see *claim 14*).

Yamamuro discloses playing circuit, operably coupled to the retrieving circuit (see fig 1).

Brunelle et al. discloses retrieving circuit that is configured to play the retrieved video contents (see col. 6, lines 31-36).

Regarding **claim 16**, Brunelle et al., Allen et al., Hoshino et al., Ishida et al., Potrebic and Yamamuro discloses everything claimed as applied above (see *claim 14*).

Hoshino et al. discloses the terminal, wherein the selection circuit includes a prompting circuit that is configured to prompt for a user's input to select desired date and time for playing the video program (see col. 12, lines 50-58 and col. 15, lines 30-38); and

the retrieving circuit retrieves the video contents for a channel number associated with the selected date and time (see col. 17, lines 45-49).

Regarding **claim 17**, Brunelle et al., Allen et al., Hoshino et al., Ishida et al., Potrebic and Yamamuro discloses everything claimed as applied above (see *claim 16*).

Yamamuro discloses playing circuit, operably coupled to the retrieving circuit (see fig 1).

Brunelle et al. discloses retrieving circuit that is configured to play the retrieved video contents (see col. 6, lines 31-36).

***Citation of Pertinent Prior Art***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Novak et al.** (U.S. Patent No. 7,320,137) discloses bookmarks for designating points of interest.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nnenna N. Ekpo whose telephone number is 571-270-1663. The examiner can normally be reached on Monday - Friday 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NNE/nne  
March 18, 2008.

/Brian T. Pendleton/  
Supervisory Patent Examiner, Art Unit 2623